

# Department of Toxic Substances Control

## Public Participation Manual

### CHAPTER 6 SECTION E Public Notices and Notifications

# Chapter 6, Section E

## Public Notices and Notifications

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#### **Public Notices and Notifications**

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# Public Participation Tasks and Techniques

## Section E ♦ Public Notices and Notifications

### Overview

The purpose of a notice is to inform the community of an upcoming DTSC action. The term “public notice” is also used to refer to other methods for notifying the public, such as display advertisements, legal notices, paid radio and television advertisements, and public service announcements on radio and television stations.

DTSC notices must also be placed on the DTSC web site.

### Responsibilities

Public Notices Task Responsibilities		
Public Participation Specialist	PPS, PM, or clerical support	Project Manager
<ul style="list-style-type: none"><li>♦ Review &amp; approve ads.</li><li>♦ Identify media to use.</li></ul>	<ul style="list-style-type: none"><li>♦ Prepare public notice/radio ad.</li><li>♦ Obtain bids for radio ads.</li><li>♦ Prepare service authorization.</li><li>♦ Place ads as directed.</li></ul>	

### Types of Notices

#### Written Public Notices

- ♦ Display Ads are required for:
  - All removal action or RAP public notices.
  - “High” community interest permit notices.

#### Broadcast Public Notices

- ♦ Legal Notices:
  - Meet the minimum legal requirement for permit notices; can be used for “low” community interest permit actions.

Note: In either case, the notices must be placed on DTSC’s web site.

- ◆ Paid Radio Advertisement is required for all permit public notices; and,
  - ◆ Public Service Announcement on Radio/Television:
    - ✱ Optional technique for advertising a meeting or action.
    - ✱ Does not meet the requirement for a permit radio advertisement.
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## Written (or Electronic) Public Notices

### Display Advertisements

Display ads are a form of public notice that appear in the main sections of the newspaper (e.g., news, feature, sports), to inform the public of DTSC activities. DTSC policy suggests using display advertisements for public notices rather than using legal notices wherever possible.

Ads provide essential information so that readers may make further inquiries. Ads are preferred to legal notices because they are placed in more prominent sections of the newspaper, and are more likely to be seen by a larger segment of the targeted community. In general, an ad is short and does not provide a comprehensive description of the DTSC activity (e.g., permit, closure or RAP).

Display advertisements are also used to announce meetings, availability of reports, and important agency decisions. (Refer to sample display ads in the Appendix.)

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### Legal Notices

Legal Notices are a form of public notice, generally located in the classified advertisement section of the newspaper (rather than in the main news section), to inform the public of DTSC activities. Display advertisements are the preferred form of public notice, although legal notices may be used upon consultation and approval of the Public Participation Specialist.

The legal notice is not meant to be a comprehensive description of the activity or report being publicized. Rather, it should give community members the information they need to determine whether they would like to read additional materials or attend public meetings. (Refer to the Appendix for a sample of a legal notice used for a public notice.)

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## Timing

Display ads/legal notices fulfill the public notice requirements noted below:

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### Site Mitigation

The H&S Code requires that DTSC publish a public notice in a local newspaper of general circulation upon release of the draft RAP for a 30-day public comment.

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### HWM

Public notice is required for the following actions:

- ◆ Announcement of the availability of a draft permit, permit modification, temporary authorization request or closure plan for public review;

- ◆ Corrective Measures Study public comment;
  - ◆ Announcement of a public hearing; and,
  - ◆ Granting of an appeal.
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## CEQA

Public notices for hearings must be announced 30 days in advance of the hearing date. A public notice must be mailed, published in a local newspaper, placed on DTSC's web site, and broadcast over local radio stations, as required by State law.

Public notices may be placed for the following actions:

- ◆ Notice of exemption;
  - ◆ Preparation of initial study draft negative declaration
  - ◆ Draft EIR
  - ◆ Notice of determination
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## Placing an Ad/Legal Notice

Note: In many cases the responsible party, project proponent or facility owner maybe asked to place an ad or legal notice utilizing DTSC approved wording. If this is the case the Project Manager or Public Participation Specialist must provide guidance.

The Public Participation Plan for a remedial site or for the permit or closure plan determination project will list commonly read local newspapers. It is also useful to place ads in regional supplements of major metropolitan newspapers. In areas where non-English-speaking residents might be affected, ads/notices should be translated and placed in area newspapers. Newspaper ads/legal notices are placed through the DTSC contract for placing public notices. Refer to the Public Participation Specialist for specific information on how to use the newspaper ad contractor for placing notices. If DTSC is paying for the ad:

- ◆ The Project Manager must contact the contract manager with the text and names of newspapers in which the ad/legal notice should be placed;
- ◆ The Project Manager obtains a cost estimate from the contract manager;
- ◆ The Project Manager completes a "Newspaper Advertisement Request Form" (refer to the Appendix), with the estimated ad/legal notice cost, and submits it to the contract manager, along with any additional information (e.g. the actual language of the public notice) as an attachment. Once the approved request form has been electronically forwarded to the contractor, the PPS or the Project Manager works directly with the contractor to ensure the notice(s) are placed.

Technique	<p>Most newspapers require that all text for ads/legal notices be received <u>at least five working days</u> prior to publication. <b>Allow time for the Public Participation Specialist to review and approve the text of the ad/legal notice.</b> The ad/legal notice must be sent to the newspaper in “camera ready” form — typeset and reducible to print size — or be typeset at the newspaper. Allow more time for proofreading if the newspaper performs typesetting. Run the ad/legal notice at least once, consult with the Public Participation Specialist to determine whether to run the ad/legal notice more than once.</p>
Writing the Ad or Legal Notice	<p>Ads/legal notices should convey all the relevant information in a clear and direct manner. Avoid the use of technical language and jargon. <u>Remember the five W’s of journalism</u>, and be sure to place the most important information in the beginning use the active voice. For example, if announcing the availability of the draft RAP for public review, the piece should begin: “DTSC announces the availability of the draft Remedial Action Plan...”.</p> <p>Present all the necessary information, including where the documents may be reviewed, meeting locations, contact persons and e-mail addresses, phone numbers, and a brief summary of the decision being made or the issues to be discussed at the meeting.</p>

## Broadcast Public Notices

Paid Radio Ads	<p>Paid radio ads are another form of public notice that are required in specific instances (noted below) to inform the public of upcoming site or permit related activities. The advertisements are generally spots of 30 or 60 seconds, broadcast on local radio stations.</p>
Public Service Announcements	<p>Public service announcements (PSAs) are short messages (usually, 10, 15 or 30 seconds) that are broadcast (free of charge) on radio/TV stations. PSAs may be brief announcements that provide more detail about an event and why it is happening (usually 30 or 60 seconds in length). PSAs can reach a targeted segment of a community, and are broadcast at the discretion of the radio/TV station, and are not a substitute for the paid radio advertisement.</p>
Timing	<p>Paid radio ads are <u>required</u> forms of public notice for certain phases of permit determinations. Radio ads fulfill the public notice requirements for the following permitting actions:</p> <ul style="list-style-type: none"> <li>◆ Announcement of availability of a draft permit for public review;</li> <li>◆ Announcement of a public hearing; and,</li> <li>◆ Granting of an appeal.</li> </ul> <p><u>PSAs can supplement, but cannot be used as a replacement for paid radio ads required in the permitting/closure process.</u></p>

For a paid radio ad, it is best to have the announcement prepared and reserve the air time two to three weeks ahead of time to obtain the best spots.

A PSA should be sent to the station two to three weeks before the date on which it should air. Call the station a few days before the target run date to check if the PSA will be on the air.

In addition to the paid radio advertisement, publication in a local newspaper of general circulation is also required for the three actions above.

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## Public Notices for Hearings

Public notices for hearings must be given 30 days in advance of the hearing date. A public notice must be mailed, published in a local newspaper, and broadcast over local radio stations, as required by State law. Public notices and display advertisements are also used to announce meetings, availability of reports, and important agency decisions.

All notices must be placed on DTSC's web site.

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### Choosing a Station

During community assessment interviews, ask which radio and TV stations the community listens to and watches. These stations should be identified in the public participation plan.

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### Placing a Paid Radio Ad or PSA

- ◆ Paid Radio Ad: DTSC contracting procedures require that three phone bids be obtained and a service authorization be used to place a paid radio ad. (Three bids are not required when the total advertising cost is less than \$100.) See Toxics Administrative Manual for details for Service Authorization.
  - ◆ Radio stations identified during the interviews, general audience stations (i.e. news or talk radio) should be used for bids.
  - ◆ Public Service Announcements (PSA): Determine the format in which the station prefers to receive PSA information. Because stations are more likely to use PSAs that do not require rewriting, DTSC staff should completely prepare the PSA. In certain situations in which it is critical that the PSA be aired on a particular station, it may help to work with the station directly to gain a commitment to run the PSA.
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### Statutory Requirements

Paid radio advertisements are required for any public hearing conducted by DTSC under the permitting process. This includes hearings conducted for all draft permits and permit modifications (NOTE: This includes any Class 2 permit modifications for which DTSC has decided there will be a public hearing); and to public notice the comment period for draft permits (except for emergency permits) and Class 3 permit modifications for which DTSC has not scheduled a public hearing. [Title 22 CCR § 66271.4(c)(1), § 66271.5, § 66271.11(a)(4), § 66271.9(c)(2)(B)]

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There is no statutory requirement for a paid advertisement in the site mitigation process, although the Public Participation Specialist and the Project Manager may recommend these ads.

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#### Writing the Ad/ Announcement

Paid radio ads and PSA are written in the form of a short press release (20 seconds) and should convey all the relevant information in very few sentences. Remember the **five W's of journalism**, and be sure to explain who, what, when, where, why, and how. They should be written in the active voice.

For example: “The California Department of Toxic Substances Control [who] is holding a meeting [what] to discuss the proposed cleanup solution for the Smelly Hazardous Waste Site in Smalltown, California [why]. The meeting will be held on Thursday, May 20, [when] at Smalltown City Hall [where]. For more information, please contact John Smith at (916) 555-1111 [how].”

In any piece of written communication, be sure to place the most important information in the beginning. For example, if announcing a community meeting, the piece should begin: “DTSC is holding a public meeting on...”. Ads should not be cluttered with technical language or jargon, and PSAs do not allow time for such language. Before submission to the station, read the announcement aloud to make certain that it will not exceed the desired time.